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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,709	11/18/2003	Robert A. Relyea	60001.318US01	5419

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EXAMINER	
KANG, INSUN	
ART UNIT	PAPER NUMBER
2193	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/715,709	RELYEA ET AL.	
	Examiner	Art Unit	
	Insun Kang	2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11/18/2003 and 2/22/2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 November 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *2/22/2005*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responding to application papers dated 11/18/2003 and 2/22/2005.

2. Claims 1-20 are pending in the application.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1-20 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-20 copending Application No. 11/049527.

Although the conflicting claims are not identical, they are not patentably distinct from each other because they are directed to substantially the same invention and recites only obvious differences which would have been obvious to one of ordinary skill in the art of program development at the time of invention such as simply (i) omitting/adding steps or elements along with their functions, and/or (ii) implementing the method steps with means for performing the steps, and/or (iii), implementing a system, medium etc for performing the method steps, as explained below.

The following example is given:

Per claim1:

'527 recites: A method for mapping a tag in a markup language (ML) document to a class using namespaces, comprising ('527, "A method for mapping a tag in a markup language (ML) document to a class using namespaces, comprising:", claim 1): analyzing a tag in the ML document; referencing a definition file location attribute in the ML document, wherein the definition file location attribute is related to the tag ('527, "analyzing a tag in the ML document, wherein the tag is associated with a definition file location attribute in the ML document," claim 1); retrieving a definition file associated with the definition file location attribute; referencing a namespace related to the tag within the definition file to determine the class associated with the tag ('527, "retrieving a definition file associated with the definition file location attribute, wherein the definition file includes a namespace associated with the tag; and determining a class associated with the tag based on the namespace such that the tag is mapped to the class," claim 1.); and locating the class in an assembly such that the tag is mapped to the class ('527, "locating the class in an assembly," claim 2).

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 12-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 12-18 are non-statutory because they are directed to a "computer-readable medium" that includes a communication medium (i.e. signals such as electrical, electromagnetic etc) as recited in the instant specification (i.e. paragraph 0024). Such medium does not have a physical structure, rather it is the physical characteristics of a form of energy, such as a frequency, voltage, or the strength of a magnetic field, define energy or magnetism per se. Moreover, it does not fit within the definition of the categories of patentable subject matter set forth in § 101. Thus the claims represent non-functional descriptive material that is not capable of producing a useful result, and hence represent only abstract ideas. Therefore, the claims are non-statutory. The following link on the World Wide Web is for the United States Patent And Trademark Office (USPTO) policy on 35 U.S.C. §101. The following link on the World Wide Web is for the United States Patent And Trademark Office (USPTO) policy on 35 U.S.C. §101.

<http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101_20051026.pdf>

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 1-5, 7-12, and 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bray ("XML Namespaces by Example, 1999) in view of Jones et al. (US 2004/0268237) hereafter Jones.

Per claim 1:

Bray discloses:

A method for mapping a tag in a markup language (ML) document to a class using namespaces, comprising: analyzing a tag in the ML document; referencing a definition file location attribute in the ML document, (i.e. page 1, see the XML code) wherein the definition file location attribute is related to the tag (i.e, page 1, see lines 1-4 of XML code); retrieving a definition file associated with the definition file location attribute (i.e, page 1, see lines 1-4 of XML code); referencing a namespace related to the tag within the definition file to determine the class associated with the tag (i.e, page 1, see lines 1-4 of XML code).

Bray does not explicitly teach locating the class in an assembly such that the tag is mapped to the class. However, Jones teaches it was known in the pertinent art, at the time applicant's invention was made, to allow a user to attach actions to a

namespace as taught by Jones (paragraph 0008). It would have been obvious for one having ordinary skill in the art to modify Bray's disclosed system to incorporate the teachings of Jones. The modification would be obvious because one having ordinary skill in the art would be motivated to allow a user to attach actions to a namespace.

Per claim 2:

The rejection of claim 1 is incorporated, and further, Bray teaches:

wherein analyzing a tag further comprises analyzing the tags in linear order as listed in the ML document (i.e. page 1, the XML code).

Per claim 3:

The rejection of claim 1 is incorporated, and further, Bray teaches:

wherein analyzing a tag further comprises reading a prefix corresponding to the namespace related to the tag (i.e. page 1, the XML code).

Per claim 4:

The rejection of claim 3 is incorporated, and further, Bray teaches:

Bray discloses: defining the namespace using the prefix, wherein the prefix maps to an extensible markup language namespace (i.e. page 1, the XML code). Bray does not explicitly teach that the definition file maps the extensible markup language namespace to a common language runtime namespace and the assembly. However, Jones teaches it was known in the pertinent art, at the time applicant's invention was made, to

allow a user to attach actions to a namespace as taught by Jones (paragraph 0008). It would have been obvious for one having ordinary skill in the art to modify Bray's disclosed system to incorporate the teachings of Jones. The modification would be obvious because one having ordinary skill in the art would be motivated to allow a user to attach actions to a namespace.

Per claim 5:

The rejection of claim 3 is incorporated, and further, Bray teaches:

wherein the prefix is defined in the ML documents (i.e. "the elements prefixed with xdc are associated with a namespace," page 1).

Per claim 7:

The rejection of claim 1 is incorporated, and further, Bray teaches:

wherein retrieving a definition file further comprises retrieving the definition file from a network location specified by definition file location attribute (i.e. the XML code in page 1).

Per claim 8:

The rejection of claim 1 is incorporated, and further, Jones discloses: locating the class in an assembly further comprises locating the class in a dynamic link library, the dynamic link library comprising classes of functions associated with the namespace

(paragraph 0008).

Per claim 9:

The rejection of claim 1 is incorporated, and further, Bray teaches:

generating the ML document, the ML document comprising the tag and the definition file location attribute (i.e. the XML code in page 1).

Per claim 10:

The rejection of claim 1 is incorporated, and further, Jones teaches:

wherein the definition file comprises a list of the namespaces, schemas and assemblies associated with the class related to the namespace (i.e. paragraph 0008).

Per claim 11:

The rejection of claim 1 is incorporated, and further, Bray teaches:

wherein the namespace of the definition file is associated with a property within an element of the ML document (i.e. the XML code in page 1).

Per claims 12 and 14-18, they are the medium versions of claims 1-5 and 7-11, respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 1-5 and 7-11 above.

Per claims 19-20, they are the system versions of claims 1-4, respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 1-4 above.

9. Claims 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bray ("XML Namespaces by Example, 1999) in view of Jones et al. (US 2004/0268237) as applied to claims 1-5, 7-12, and 14-20 above further in view of Chao et al. (US 2004/0103199) hereafter Chao.

Per claim 6:

The rejection of claim 1 is incorporated, and further:

Bray and Jones do not explicitly teach determining whether the definition file is available locally in a cache, and if not available, storing the retrieved definition file in the cache. However, Chao teaches it was known in the pertinent art, at the time applicant's invention was made, to allow a user to cache the appropriate data (i.e. paragraph 0059). It would have been obvious for one having ordinary skill in the art to modify Bray and Jones' disclosed system to incorporate the teachings of Chao. The modification would be obvious because one having ordinary skill in the art would be motivated to perform a faster retrieval by using a cache (i.e. paragraph 0059).

Per claim 13, it is the medium version of claim 6, respectively, and is rejected for the same reasons set forth in connection with the rejection of claim 6 above.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Insun Kang whose telephone number is 571-272-3724.

The examiner can normally be reached on M-R 6:30-5 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MENG Al AN can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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